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May 18, 2023

VIA ECF

Hon. John G. Koeltl
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

ADJOURNED TO AUGUST 23,
SEPTEMBER 21, 2023, AT 2:30PM.
SO ORDERED.
John G. Koeltl.
5/18/23 ✓ S O J

Re: Kaplan v. Comedy Partners, No. 1:22-CV-09355-JGK
Joint Letter-Motion for Adjournment of Pre-Motion Conference

Dear Judge Koeltl:

We represent defendant Comedy Partners in the above-captioned matter. Pursuant to Rule I.E of the Court's Individual Practices, we write jointly with Plaintiff's counsel to request that the parties' pre-motion conference, which is presently scheduled for May 23, 2023, at 2:30 p.m., be adjourned three months to August 23, 2023, or such other date thereafter at the Court's convenience. The requested extension is to allow the parties to continue their settlement discussions and conduct mediation proceedings as described more fully below.

In addition to the present action, another putative class action currently pending in the Southern District of New York involves substantially similar allegations against Comedy Partners: *Zimmerman v. Paramount Global et al.*, No. 1:23-cv-02409 (assigned to the Hon. Vernon S. Broderick). In that case, as here, plaintiffs allege a range of claims against Comedy Partners all deriving from the same or substantially similar fact pattern relating to a transaction entered into by Comedy Partners with SiriusXM that allegedly deprived the plaintiff comedians/artists of monies and royalties which they claim were due to them based on, among other things, the recording agreements between the artists and Comedy Partners.

The parties in the *Kaplan* action have been engaged in preliminary settlement discussions and data exchanges incident to same. More recently, based on our discussions with both counsel for the *Kaplan* plaintiff and counsel for the *Zimmerman* plaintiffs, the parties in both of these actions believe that joint mediation proceedings may facilitate early resolution of both actions. We therefore request that the pre-motion conference be adjourned three months, until August 23, 2023. Such extension will enable the parties to continue their discussions, gather and exchange additional data, and conduct mediation proceedings without incurring potentially unnecessary litigation costs (and unnecessarily burdening the Court).

The instant letter motion is the parties' fourth requested adjournment of the pre-motion conference. The Court has granted these previous adjournment requests, and pursuant to the

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Court's most recent Order, entered March 29, 2023, the pre-motion conference is presently set for May 23, 2023, at 2:30 p.m. There are no other scheduled dates in this action.

Thank you for consideration of this matter.

Respectfully,

/s/ Kenneth L. Steinthal

Kenneth L. Steinthal

cc: All Counsel (via ECF)